

## CHAPTER 24:05:21

### COMPREHENSIVE PLANS

#### Section

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**24:05:21:01. Local education agency ~~to file~~ comprehensive plans -- Contents.**  
Each local education agency must have a current comprehensive plan approved by the school board on file with the district superintendent or designee. Office of Special Education. Documentation supporting the implementation of the local school district's comprehensive plan shall be maintained by the district for review by Special Education Programs staff during onsite monitoring visits. Districts shall update comprehensive plans consistent with § 24:05:21:01.02 and recertify their content annually.

Comprehensive plans shall establish compliance with this article and the Individuals with Disabilities Education Act, Part B, and must include the following:

- (1) Policy on the availability of FAPE;
- (2) Policy on the availability of assistive technology;
- (3) Policy on the availability of extended school year services;
- ~~(4)~~ (4) Full program service goals and procedures, including a timetable for accomplishing the goals;
- ~~(2)~~ (5) Ongoing child identification procedures;
- ~~(3)~~ (6) Referral, evaluation, Evaluation, parental consent, and placement procedures;
- ~~(4)~~ (7) Procedures for the development, annual review, and revision of the individual educational program for each child;
- (8) Procedures for the provision of nonacademic services and program options;
- (9) Procedures for the provision of physical education;
- (10) Policies on routine checking of hearing aids and external components of surgically implanted medical devices;
- ~~(5)~~ (11) Procedures for least restrictive environment;
- ~~(6)~~ (12) Policies and procedures on confidentiality of information;
- ~~(7)~~ (13) Procedural safeguards, including the following:
  - (a) Opportunity to examine records;
  - (b) Independent educational evaluation;
  - (c) Prior notice and parent consent;

- (d) Resolution process;
  - ~~(d)~~ (e) Impartial due process hearing;
  - (f) Civil action and reasonable attorney's fees;
  - (g) Child status during proceedings;
  - ~~(e)~~ (h) Surrogate parent procedures;
  - ~~(f)~~ (i) Parent participation in meetings;
  - ~~(g)~~ (j) Procedural safeguards notice;
  - ~~(h)~~ (k) Mediation;
  - ~~(i)~~ (l) Parent notice and disclosure;
  - ~~(j)~~ (m) Transfer of parental rights;
  - ~~(k)~~ (n) Discipline procedures;
  - ~~(l)~~ (o) Procedures for evaluation and determination of eligibility; and
  - ~~(m)~~ (p) Procedures for evaluating specific learning disabilities;
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- ~~(8)~~ (14) Procedures for private school placement;
  - ~~(9)~~ (15) Procedures for voluntary enrollment in nonpublic schools;
  - ~~(10)~~ (16) Staff development procedures;
  - ~~(11)~~ (17) Procedures for the employment of special education personnel who have the special education endorsement as required in § 24:02:03:21 or 24:02:03:21.01;
  - ~~(12) Policy on the provision of facilities, materials, and equipment used for special education that are comparable to those used in regular education;~~
  - (18) Policy on purchase of instructional materials;
  - (19) Policy on prohibition on mandatory medication;
  - (20) Policies on the use of Part B IDEA funds;
  - (21) Policy on records regarding migratory children with disabilities;
  - ~~(13)~~ (22) Policy on transition from IDEA, Part C, infants to toddlers with disabilities, to preschool;
  - ~~(14)~~ (23) Policy on performance goals and indicators;
  - ~~(15)~~ (24) Procedures for participation in assessments; and
  - ~~(16)~~ (25) Public information.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**24:05:21:01.01. Exception for prior policies and procedures.** If a local education agency has on file with the ~~division~~ department policies and procedures that demonstrate compliance with this article, including any policies and procedures filed under Part B of the Individuals with Disabilities Education Act as in effect before ~~June 4, 1997~~ December 3, 2004, the ~~division~~ department shall consider the school district to have met the requirements for purposes of receiving assistance under Part B of the Individuals with Disabilities Education Act.

**Source:** 26 SDR 150, effective May 22, 2000.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**24:05:21:01.02. Amendments to policies and procedures.** Policies and procedures submitted by a local education agency in accordance with this article remain in effect until it submits to the ~~division~~ department modifications that the agency decides are necessary. The ~~division~~ department may require a local education agency to modify its policies and procedures, but only to the extent necessary to ensure the district's compliance with Part B of the Individuals with Disabilities Education Act if:

- (1) After ~~June 4, 1997~~ December 3, 2004, the provisions of Part B of the Individuals with Disabilities Education Act or its implementing regulations are amended;
- (2) There is a new interpretation of Part B of the Individuals with Disabilities Education Act by federal or state courts; or
- (3) There is an official finding of noncompliance with federal or state law or regulations.

~~The provisions of this section apply to a modification to a local education agency policies and procedures in the same manner and to the same extent that they apply to the agency's original policies and procedures.~~

**Source:** 26 SDR 150, effective May 22, 2000.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**24:05:21:02. Approval of special education program -- Content of review.** The ~~Office of Special Education~~ department's special education programs shall approve special education programs that meet the standards of the South Dakota Board of Education. Each local education agency shall submit eligibility information each school year. The local education agency shall be notified of approval or disapproval by letter from the ~~Office of Special Education~~ department's special education programs. The review shall include the following:

- (1) Recertification of current comprehensive plan;
- (2) Certified personnel; and
- (3) Number of certified children served.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**24:05:21:04. Purchase of instructional materials.** A school district that chooses to coordinate with the National Instructional Materials Access Center (NIMAC), when purchasing print instructional materials, must acquire those instructional materials in the same manner, and subject to the same conditions as the department under

§ 24:05:14:17. Nothing in this section requires a school district to coordinate with the NIMAC.

If a school district chooses not to coordinate with the NIMAC, the district shall provide an assurance to the department that the district will provide instructional materials to blind persons or other persons with print disabilities in a timely manner.

Nothing in this section relieves a district of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats but are not included under the definition of blind or other persons with print disabilities who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

**Source:**

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.

**24:05:21:05. Records regarding migratory children with disabilities.** A school district shall cooperate in the U.S. Secretary of Education's efforts under section 1308 of the ESEA to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and educational information regarding those children.

**Source:**

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.